COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 250437

Amending Chapter 70, Code of Ordinances, by repealing Section 70-642, Vehicles and property subject to impoundment, and Section 70-749, Operation of all-terrain and off-road vehicles, and enacting in lieu thereof new sections of like number and subject matter; and directing the City Manager to seek, as a pretrial condition of release or probation for any prosecuted violation of the Code of Ordinances involving vehicles unlawful to operate on the streets and highways, that the defendant be prohibited from operating such vehicles.

WHEREAS, state and local law prohibits, with limited exceptions, the operation of all-terrain vehicles upon the streets and highways of the City;

WHEREAS, Chapter 301.705.1, RSMo. further prohibits the operation of an all-terrain vehicle on the private property of another without the consent of the owner of or lessor thereof;

WHEREAS, state and local law further prohibits the operation of motor vehicles on public streets and highways that are not registered for operation on public streets and highways;

WHEREAS, the proliferation of all-terrain vehicles or other motor vehicles not lawfully registered or otherwise permitted by law to operate on public streets or highways presents a threat to public safety;

WHEREAS, vehicles which are not manufactured for operation on public streets and highways and do not meet safety standards for operating on public streets and highways, including all-terrain vehicles and motorbikes designed specifically for off-road use, present a particularly heightened threat to public safety; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 70, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 70-642, Vehicles and property subject to impoundment, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 70-642. Vehicles and property subject to impoundment.

(a) Any police officer is hereby authorized to remove a vehicle or other personal property to the nearest garage or other place designated by the city under the circumstances enumerated in this section:

(1) When any vehicle upon a street is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is, by reason of physical injury or condition, incapacitated to such an extent as to be unable to provide for its custody or removal.

(2) When any vehicle or other personal property is parked illegally or placed in such manner as to constitute a hazard or obstruction to the movement of traffic and when

a citation or summons has been affixed to the vehicle or presented to the owner or operator.

(3) When a vehicle is parked on the streets in the same place continuously for 48 hours and a citation summons has been affixed to the vehicle or presented to the owner or operator; however, any vehicle bearing and properly displaying a valid distinguishing license plate or placard issued pursuant to RSMo § 301.071, pertaining to license plates for physically disabled veterans, or RSMo § 301.142, pertaining to license plates for physically disabled persons, as amended, or a valid duly registered equivalent license plate or placard issued by the state, country or other place of which the owner is a resident if the owner of that vehicle is a nonresident of the state, shall not be subject to impoundment under this subsection until it is parked on the streets in the same place continuously for 120 hours.

(4) When a vehicle is left unattended on an interstate highway or freeway for a period in excess of ten hours and a summons has been affixed to the vehicle or presented to the owner or operator.

(5) When the driver of any vehicle is taken into custody by the police department and such vehicle would thereby be left unattended upon a street or highway.

(6) When any vehicle is found to be driven or moved on a street or highway which is in such unsafe condition as to endanger any person or property and a citation or summons has been presented to the owner or operator or affixed to the vehicle.

(7) When any vehicle that is not manufactured for operation on public streets and highways and is not lawfully registered or otherwise permitted by law to operate on a public street or highway, including any all-terrain vehicle operating in violation of section 70-749 and any motorcycle designed for off-road use and not licensed for operation on a public street or highway, is found to be driven or moved on a street or highway and a citation or summons has been presented to the owner or operator or affixed to the vehicle.

(8) When any vehicle is parked on private property or upon an area developed as an off-street parking facility without the consent of the owner, lessee or person in charge of any such property or facility, and upon complaint to the police department by the owner, lessee or person in charge of such property or facility, and a citation or summons has been presented to the owner or operator or affixed to the vehicle.

(9) When any vehicle is found, which the police have reasonable grounds to believe has been involved in an accident, and the driver, owner or person in charge thereof has failed to comply with the provisions of sections 70-211, 70-212 and 70-213.

(10) When any vehicle is found on the street, and the driver, owner or person in charge of such vehicle, while driving or in charge of such vehicle or while such vehicle was parked or stopped, has received a citation or summons to answer to a charge

against him for violation of the traffic ordinance, and such driver, owner or person in charge has failed to appear and answer to such charge within the specified time.

(11) When any vehicle or personal property is directly interfering with the maintenance and care or the emergency use of the streets by any proper department of the city.

(12) When any vehicle is parked on the streets or any public place and the vehicle has license plates that are reported as stolen.

(13) When a stolen motor vehicle or other personal property is found on a public street or private property.

(14) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency reason.

(15) When any vehicle is parked on the streets or any public place and bears a license plate or renewal decal which has been reported stolen or which has been issued to a motor vehicle other than that to which it is affixed, or which has been altered or counterfeited, and when a citation or summons has been affixed to the vehicle or presented to the owner or operator.

(b) The director of neighborhood and community services is authorized to remove from public or private property any vehicle that is derelict, junk, scrapped, disassembled or otherwise harmful to the public health under the terms of chapter 48, nuisances.

(c) The director of public works is authorized to remove from public property any vehicle that is left unattended in violation of local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.

Section 2. That Chapter 70, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 70-749, Operation of all-terrain and off-road vehicles, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

Sec. 70-749. Operation of all-terrain and off-road vehicles.

(a) No person shall operate an all-terrain vehicle, as defined in section 70-1, upon the streets, highways, parks, sidewalks and other public property of this city, except as follows:

(1) All-terrain vehicles owned and operated by a governmental entity for official use.

(2) All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation.

(b) No person shall operate an off-road vehicle within any stream or river in this city, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns or has permission to be upon.

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(c) A person operating an all-terrain vehicle on a street or highway pursuant to an exception covered in this section shall have a valid license, but shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than 30 miles per hour. When operated on a street or highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

(d) No person shall operate an all-terrain vehicle:

(1) In any careless way so as to endanger the person or property of another;

(2) On private property without the consent of the owner thereof;

(3) While under the influence of alcohol or any controlled substance; or

(4) Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least 18 years of age.

(e) No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes.

Section 3. That the City Manager is hereby directed to provide that in all prosecutions for violations of the Code of Ordinances under Chapter 50 and Chapter 70, Article III, Article IV, and Article VIII, the City Prosecutor shall seek as a probation condition that the defendant shall not operate any vehicle on the public streets or highways of the City that is not manufactured for such use and is not lawfully registered or otherwise permitted by law to operate on a public street or highway.

Approved as to form:

Andrew Bonkowski
Assistant City Attorney

Authenticated as Passed

Quinton Lucas, Mayor

Marilyn Sanders, City Clerk

JUN 05 2025

Date Passed